

BRANIGAN & ORTIZ, L.L.C., P.C.
BY: JOHN J. BRANIGAN, ESQUIRE
ATTORNEY I.D. No.: 25686
1122 Locust Street
Philadelphia, PA 19107
(215)592-9010

PRESENTED FOR REVIEW

Attorney for Plaintiff MAY 15 PM 12:57

| | | |
|-------------------------------|---|---|
| BRANDY WASILEWSKI | : | COURT OF COMMON PLEAS PHILADELPHIA COUNTY PROTHONOTARY |
| 724 Churchville Road | : | |
| Southampton, PA 18966 | : | |
| And | : | |
| SHELLY QUIGLEY | : | CIVIL ACTION |
| 724 Churchville Road | : | |
| Southampton, PA 18966 | : | |
| vs. | : | |
| LANDMARK EDUCATION CORP. | : | |
| 105 S. 7 th STREET | : | JULY TERM, 2002 |
| PHILADELPHIA, PA 19106 | : | No.: 1804 |
| and | : | |
| HIREN MODI | : | |
| c/o LANDMARK EDUCATION | : | |
| CORP. | : | |
| 105 S. 7 th STREET | : | |
| PHILADELPHIA, PA 19106 | : | |
| and | : | |
| ART SCHREIBER | : | |
| c/o LANDMARK EDUCATION | : | |
| CORP. | : | |
| 353 Sacramento Street | : | |
| San Francisco, CA 94111 | : | |

CIVIL ACTION-COMPLAINT

NOTICE

AVISO

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta acercar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado Inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Philadelphia Bar Association
Lawyer Referral
and Information Service
15th & Sansom Street
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

Asociación de Licenciados
De Filadelfia
Servicio de Referencia e
Información Legal
15th & Sansom Street
Filadelfia, Pensilvania 19107
(215) 238-6333
TTY (215) 451-6197

FILED
PROTHONOTARY
MAY 16 2003
R. FRANKLIN

BRANIGAN & ORTIZ, L.L.C., P.C.
BY: JOHN J. BRANIGAN, ESQUIRE
ATTORNEY I.D. No.: 25686
1122 Locust Street
Philadelphia, PA 19107
(215)592-9010

Attorney for Plaintiffs

BRANDY WASILEWSKI :
724 Churchville Road :
Southampton, PA 18966 :
And :
SHELLY QUIGLEY :
724 Churchville Road :
Southampton, PA 18966 :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

vs.
LANDMARK EDUCATION CORP.:
105 S. 7th STREET :
PHILADELPHIA, PA 19106 :
and :
IJIREN MODI :
c/o LANDMARK EDUCATION :
CORP. :
105 S. 7th STREET :
PHILADELPHIA, PA 19106 :
and :
ART SCHREIBER :
c/o LANDMARK EDUCATION :
CORP. :
353 Sacramento Street :
San Francisco, CA 94111 :

JULY TERM, 2002
No.: 1804

CIVIL ACTION- COMPLAINT

1. Plaintiff, Brandy Wasilewski, is an individual residing at the above address in the Commonwealth of Pennsylvania 18966. At present she is 23 years of age [D.O.B.: 4/21/80].
2. Plaintiff, Shelly Quigley, is an individual residing at above address in the Commonwealth of Pennsylvania 18966. Shelly Quigley is the natural mother of plaintiff, Wasilewski.

3. Defendant, Landmark Education Corp. [Landmark], is a corporation operating and existing by and under the laws of the Commonwealth of Pennsylvania with an address as stated above.
4. Defendant, Hiren Modi [Modi], is an individual who at all times was the agent, servant, workman, and employee of defendant, Landmark, and at all times acted within the course and scope of his employment with Landmark and at all times acted on behalf of defendant, Landmark.
5. Defendant, Art Schreuber, is the agent, servant, workman, and employee of defendant, Landmark, and at all times acted within the course and scope of his employment with Landmark and at all times acted on behalf of defendant, Landmark.
6. At all times relevant hereto, defendant, Landmark Education Corp. [Landmark] operated by and through its agents, servants, workmen, and employees who all acted within the course and scope of their employment with defendant and who at all times relevant hereto acted on behalf of defendant, Landmark.
7. At all times relevant hereto, all individual defendants were agents, servants, workmen, and/or employees of defendant, Landmark, acting within the course and scope of their employment with defendant, Landmark, and acting on behalf of defendant, Landmark.
8. At all times relevant hereto, all acts or omissions of individual defendants and those agents, servants, workmen, and employees acting on behalf of defendant, Landmark, were acts and omissions of individuals who were trained to act or omit or otherwise said acts or omissions were ratified by defendant, Landmark.

9. At all times relevant hereto, the services/instruction/training/ teachings/ or defendant, Landmark, were the same or similar to those of a corporation known as Werner Erhard & Associates [WE&A].

10. At all times relevant hereto, plaintiff, Wasilewski, was the business invitee of defendants and therefore owed the highest degree of care.

11. In or about February of 2000, plaintiff, Wasilewski, began working at a company partially run and/or owned by an individual named, Bonnie Brooker and an individual named, Cliff [last name unknown.]

12. At all times relevant hereto, Brooker and Cliff were agents, servants, workers, and employees of defendants, acting on behalf of defendants and at the behest of defendants.

13. Brooker and Cliff were former disciples/students of the teachings/philosophies of defendant, Landmark.

14. Bonnie Brooker and Cliff and all other former students or disciples of Landmark were promised remuneration by way of "spiritual" dividends should they refer other individuals to the services offered by Landmark.

15. Bonnie Brooker and Cliff, in fact paid for plaintiff, Wasilewski, to attend a weekend session entitled "Forum".

16. The Forum was a weekend session offered after an initial introductory session called an orientation where former disciples pitch an intense sales of the benefits of attending the Forum by offering testimonials to cure or erase all inhibitions or with promises to lose insecurities, better your relationships, attain confidence, attain the dreamed of happiness, and other ways to "remove all stop signs" and to "remove all barriers".

17. Plaintiff, Wasilewski, participated in the Forum as the result of a marketing program of recruitment designed and implemented by these defendants to attract consumers by giving rewards to former students or disciples and offer unattainable goals and rewards to a majority of consumers.

18. Prior to attending the Forum plaintiff, Wasilewski, functioned normally in society in spite of personal problems and perhaps a fragile pre-existing psychological frailty.

19. At the orientation and at the Forum defendant, through its agents, servants, workmen, and employees acting within the course and scope of their employment of defendant and on behalf of this defendant made promises of a better life, of an improved confidence, an increased personal effectiveness, of a greater sense of creativity; promises to which this plaintiff relied upon to her detriment.

20. In July 2000, plaintiff attended a weekend session entitled the Forum, which was a intensive, exhaustive, tiring, and lengthily weekend session best described as a group therapy session enacted under the guise of a self-improvement program. The Forum was conducted by a leader as well as other paid and/or volunteer agents, servants, workers, and employees of defendant, Landmark.

21. Plaintiff believes and therefore avers that none of the employees who conduct the Forum are licensed to practice psychology, psychiatry, or medicine nor are they otherwise qualified or trained in accordance with generally accepted standards or accreditations for counselors, psychologist, psychiatrists, or the like.

22. The Forum is intended to manipulate the participants by subjecting them to powerful group therapy or other psychological techniques that are designed to

affect the behavior and/or underlying psychological makeup or growth of the participant.

23. The Forum is conducted over an intense two (2) day period of time where the participants are kept for long hours in uncomfortable accommodations and deprived of adequate nourishment and at the same time be subjected to confrontational attacks on their beliefs and psychological pre-existing disorders and are then subjected to group humiliation at the behest of the group leader along with degradation and mockery.

24. At no time prior to the start of the Forum or any other activities conducted by defendant are the participants nor was plaintiff in this matter subjected to any testing to determine her baseline or any pre-existing condition.

25. Plaintiff subsequently attended an advanced Forum and/or training session that was in many ways similar, all be it a bit different than the original Forum.

26. The Forum encourages "breakdowns" which are designed to "breakdown" the psyche of the individual and are then encouraged to have "breakthroughs" to improve upon the psychological and emotional health of the participants.

27. Following this training plaintiff, Wasilewski, sought psychiatric, psychological therapy due to flashbacks, delusions, hearing voices, symptoms of schizophrenia, headaches, panic attacks, anxiety attacks, uncontrollable shaking, inexorable body pain, and a set of symptoms that severely elevated and at times severely depressed her mood and general affect, in addition to a hypomanic episode along with beliefs encouraged by her training that lead to a grandiose elevation of her abilities and capacities to the point where she became delusional.

28. In addition to those conditions and symptoms previously described, plaintiff, Wasilewski, suffered anxiety, panic attacks, depression and was at times suicidal.

29. Due to the format of the Forum that employs a group therapy or training program, plaintiff, Wasilewski, is unable to benefit from medically administered and medically recommended group therapy.

30. Plaintiff has furthermore suffered a loss of earnings and earning capacity as the result of acts or omissions of these defendants.

31. As a further direct result of the acts or omissions of these defendants, plaintiff has suffered psychological and physical injuries from July 2000 and will continue to do so for an unspecified time into the future.

32. As a further direct result of the aforesaid acts or omissions of these defendants, plaintiff has been obliged to expend various sums of money for medication, hospitalization, therapy and other medical expenses in effort to treat and mitigate her losses.

COUNT I
Plaintiff, Wasilewski v. Defendants
Negligence per se

33. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

34. Defendants by and through their agents, servants, workmen, and employees, acting within the course and scope of their employment of this defendant and at all times acting on behalf of this defendant are liable by their acts and omissions for violation of 63 P.S.1203 et seq. in that these defendants practiced psychology without a license.

35. The purpose of the above referenced statute is, in part, to protect the interest of the public generally, of whom this plaintiff is a member.
36. The statute cited above is meant to control and monitor the actions of certain licensed medical professionals and the practice of this profession by these defendants is a violation of the protections underlying the purpose of this statute.
37. The violation of this statute is the proximate cause of plaintiff's injuries.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., IIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT II
Plaintiff, Wasilewski v. Defendants
General Negligence

38. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.
39. These defendants owed plaintiff, Wasilewski, a duty of care to which they breached. Defendants breached their duty of care to plaintiff, Wasilewski, in part by the following:

- (a) Failure to warn plaintiff of prior incidents of psychiatric and physical problems following attendance at the Forum;

- (b) Failure to obtain the proper training;
- (c) Failing to obtain appropriate supervision for their actions and omissions;
- (d) Failing to properly screen and test participants prior to their introduction;
- (e) Failure to limit participation to those persons likely to suffer harm from participation in the Forum;
- (f) Failure to cause unreasonable emotional and psychological trauma to the participants;
- (g) Failing to adequately train personnel;
- (h) Failing to warn participants of prior lawsuits against Landmark and/or WE&A that have been successful;
- (i) Failing to follow medical guidelines for the conduct of group therapy sessions;
- (j) Failure to exercise the degree of care and skill that a medical professional would exercise in the same situation;
- (k) Failure to hire qualified personnel;
- (l) Failure to properly monitor its students after the Forum to test for emotional or physical sequelae;
- (m) Failure to offer or direct intervention to trained professionals to find physical or psychological maladies following a Forum session;
- (n) Failure to evaluate its personnel from time to time to monitor their acts or omissions at the Forum;

- (o) Failure to seek professional guidance in the administration, conduct, and curriculum of the Forum;
- (p) Failure to follow the guidelines of the American Psychological Association for providers of psychological services;
- (q) Failure to implement decompression sessions to ferret out participants in the Forum that have or are suffering psychological or physical consequences.

40. As a direct result of the aforesaid plaintiff has suffered damages and injuries as alleged above.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., IIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT III
Plaintiff, Wasilewski v. Defendants
Intentional Infliction of Emotional Distress

41. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

42. These defendants are liable to plaintiff for violation of Restatement of (Second) Torts §46.

43. These defendants by their acts or omissions as stated above, acted in so an extreme and outrageous manner that intentionally or recklessly caused severe emotional distress and physical injury to the plaintiff herein and as such is liable to this plaintiff for such actions and omissions as stated above.

44. By the acts or omissions enumerated above these defendants have engaged in conduct that is outrageous in character and reckless and intentional in its method and extreme in its degree and as such has caused damages to plaintiff as set forth above.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT IV

Plaintiff, Wasilewski v. Defendants
Negligent Infliction of Emotional Distress

45 Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

46 These defendants are liable to plaintiff for violation of Restatement of (Second) Torts, §436.

47 The conduct of these defendants violated the duty of care they owed to this plaintiff wherein they should have recognized that they have placed this

plaintiff in an unreasonable risk of bodily harm by subjecting this plaintiff to a host of abusive behaviors intentionally designed to bring about a "breakdown".

48. The acts or omissions of these defendants caused psychological and physical harm as stated above.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT V
Plaintiff, Wasilewski v. Defendants
Battery

49. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

50. The conduct of the group leader in abusing this plaintiff, deriding her, humiliating her, encouraging others to mock her and screaming at her is a battery upon this plaintiff.

51. Defendants further engaged in a battery of this plaintiff by failing to provide enough bathroom breaks, or nourishment, in restricting her freedom to move about the offices of the Forum when a personal need arose.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER,**

C/O LANDMARK EDUCATION CORP., jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT VI
Plaintiff, Wasilewski v. Defendants
Intentional Torts

52. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

53. These defendants violated Restatement (Second) of Torts §870 and as such are liable to plaintiff, Wasilewski.

54. The conduct of these defendants came as the result of acts or omissions of these defendants in that they intentionally subjected plaintiff to a mental "breakdown" without proper and adequate training or warning as otherwise alleged above.

55. These defendants intentionally withheld from plaintiff, Wasilewski the fact that others have suffered severe and permanent emotional psychological and physical injuries and damages as the result of attending the Forum.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER,** **C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT VII
Plaintiff, Wasilewski v. Defendants
Fraudulent Concealment

56. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

57. These defendants are liable to plaintiff, Wasilewski for violation of Restatement of (Second) Torts §550, wherein they engaged in a fraudulent concealment.

58. These defendants fraudulently concealed from this plaintiff the fact that others similarly situated had attended the Forum and had suffered severe and permanent emotional, psychological, and physical damages as the result of attendance at the Forum.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus interest, cost of suit and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

COUNT VIII
Plaintiff, Wasilewski v. Defendants
Unfair Trade Practices and Consumer Protection Law -
Fraud and Misrepresentation

59. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

60. These defendants are liable to plaintiff, Wasilewski for violation of the Unfair Trade Practices and Consumer Protection Law 73 P.S. 201-1 et seq.

61. These defendants engaged in the practice of medicine, psychiatry, psychology, and remained unlicensed for said practice.

62. These defendants promised their goods and services to be of a unique and educational good and service.

63. These defendants sold their goods and services as unique to them when in fact they were a veiled attempt to practice psychology, psychiatry, and medicine.

64. These defendants represented their goods and services to have characteristics, ingredients, uses, benefits or qualities that they do not have and that these goods and services met with the approval and status of individuals licensed to accredit such goods and services.

65. The goods and services of these defendants were bought by plaintiff for primarily personal reasons and resulted in an ascertainable loss of money and property.

66. The goods and services sold by these defendants were in part set up as the result of encouraging former disciples to refer new disciples to the Forum in exchange for a remuneration which, although not monetary, was just as valuable in its spiritual benefit.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI** hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., HIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars plus the cost of suit, attorney's

fees, interest, treble damages, and other relief as is this Court may determine is just and necessary and in accordance with the evidence.

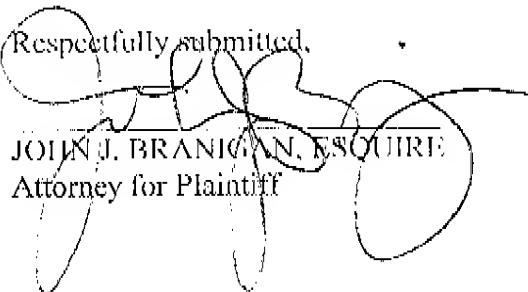
COUNT IX
Plaintiff, Wasilewski v. Defendants
Punitive Damages

67. Plaintiff hereby incorporates by reference all allegations in paragraphs numbered one (1) through sixty-nine (69) as though fully set forth at length herein.

68. The conduct of these defendants as described above went beyond mere negligence and in fact constituted a deliberate attempt to cause harm to plaintiff and/or a reckless and conscience disregard of, or indifference to an unreasonably high risk of harm to plaintiff and the persons in plaintiff's position.

69. These defendants wantonly and willfully engaged in the outrageous and egregious conduct as described previously.

WHEREFORE, plaintiff, **BRANDY WASILEWSKI**, hereby demands judgment against defendants, **LANDMARK EDUCATION CORP., LIREN MODI, c/o LANDMARK EDUCATION CORP., and ART SCHREUBER, C/O LANDMARK EDUCATION CORP.**, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars including damages meant to punish these defendants.

Respectfully submitted,

JOHN J. BRANIGAN, ESQUIRE
Attorney for Plaintiff

VERIFICATION

JOHN J. BRANIGAN, ESQUIRE deposes and says that the below verification is being signed by counsel in accordance with P.A.R.C.P. 1024(c) in that the parties are not available to sign said verification within time allowed for filing of this Civil Action; and that he is counsel of record for the plaintiffs in the within action; and that the attached Pleading is based upon information which his client has furnished to him and information which he has gathered in preparation of this lawsuit. Counsel for the plaintiffs has read the Pleading and to the extent that the Pleading is based upon information which his client has provided to him and information which he has gathered, it is true and correct to the best of his knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


JOHN J. BRANIGAN, ESQUIRE
Attorney for Plaintiff

Dated: 5/15/03.